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In re Application of

YAMADA et al.

Application No.: 10/577,452

PCT No.: PCT/JP04/16052

Int. Filing Date: 28 October 2004

Priority Date: 30 October 2003

Atty. Docket No.: 07043.0053

For: TERMINAL APPARATUS,

TERMINAL APPARATUS

CONTROL METHOD, NETWORK

SYSTEM, NETWORK SYSTEM

CONTROL METHOD, PROGRAM

AND RECORDING MEDIUM

DECISION

This decision is issued in response to applicants' "Request For Corrected Filing Receipt" filed 21 November 2008, treated herein as a petition under 37 CFR 1.182 to treat the present application as a national stage for the above captioned international application, and not for the international application indicated on the originally filed Transmittal Letter. Deposit Account No. 06-0916 will be charged the required petition fee.

**BACKGROUND**

On 28 October 2004, applicants filed international application PCT/JP04/16052 which claimed a priority date of 30 October 2003 and which designated the United States. On 12 May 2005, a copy of the international application was communicated to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 April 2006.

On 27 April 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, and a translation into English of the international application. The Transmittal Letter identified the application as a national stage of PCT/EP04/16052, filed 28 October 2004.

Based on the international application number listed on the Transmittal Letter, the present application file was established as a national stage of PCT/EP04/16052.

On 18 May 2008, applicants filed an executed declaration which identified the application as a national stage of PCT/JP04/16052, filed 28 October 2004.

On 27 August 2008, the USPTO mailed a Notification Of Acceptance indicating that the application was a national stage of PCT/EP04/16052 (the filing receipt also listed the application as a national stage of PCT/EP04/16052).

On 21 November 2008, applicant filed "Request For Corrected Filing Receipt" considered herein as a petition under 37 CFR 1.182 to treat the present application as a national stage for the above captioned international application, and not for the international application indicated on the originally filed Transmittal Letter.

### DISCUSSION

As noted above, the Transmittal Letter filed by applicants to initiate this national stage application identified the submission as a national stage of PCT/EP04/16052. The present submission filed by applicants confirm that the listing of PCT/EP04/16052 on the original application materials was incorrect, and that the application was intended as a national stage of PCT/JP04/16052.<sup>1</sup> Because the present application was created as a national stage of PCT/EP04/16052 based on applicants' original submission, correction of the application to indicate that it is a national stage of PCT/JP04/16052 requires a petition under 37 CFR 1.182. The request for corrected filing receipt has been treated as such a petition. Applicants have previously authorized a charge to Deposit Account No. 06-0916 for required fees; based on this authorization, Deposit Account No. 06-0916 will be charged the required \$400 petition fee.

The petition to treat the present application as a national stage of PCT/JP04/16052 is granted. The Notification Of Acceptance and filing receipt mailed 27 August 2008 (both of which indicate that the application is a national stage of PCT/EP04/16052), are appropriately vacated.

### CONCLUSION

The petition under 37 CFR 1.182 GRANTED.

Deposit Account No. 06-0916 will be charged \$400 as the required petition fee.

USPTO records will be corrected to indicate that the present application is the national stage of PCT/JP04/16052 with an international filing date of 28 October 2004 and claims priority to JP 2003-370719 (30 October 2003).

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<sup>1</sup> It is noted that the submission included a copy of the cover page of International Publication WO 2005/043827 A2 which identified the correct international application number, PCT/JP04/16052.

The Notification Of Acceptance and filing receipt mailed 27 August 2008 are hereby VACATED based on their identification of the present application as a national stage of PCT/EP04/16052.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision, including: (1) correcting USPTO records so as to identify the present application as a national stage of PCT/JP04/16052; and (2) issuing a corrected Notification Of Acceptance and corrected filing receipt which properly identify the application as a national stage of PCT/JP04/16052.



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